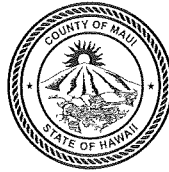


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 14, 2013

MEMO TO: DANIEL ORODENKER  
Executive Director  
Land Use Commission  
State of Hawaii  
P. O. Box 2359  
Honolulu, Hawaii 96804

FROM: Department of Planning, County of Maui  
Clayton Yoshida, Planning Program Administrator *clay*

SUBJECT: **DOCKET No. A10-787 / Maui R&T Partners, LLC**

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original and 16 copies	06/14/13	Department of Planning, County of Maui Position Statement and Certificate of Service

- |   |   |
|---|---|
| <input type="checkbox"/> For your information & files | <input type="checkbox"/> For your review and approval |
| <input type="checkbox"/> For approval & signature     | <input type="checkbox"/> See REMARKS below            |
| <input type="checkbox"/> Per your request             | <input checked="" type="checkbox"/> For filing        |

**REMARKS: LAND USE COMMISSION - Please return a file-marked copy of the Position Statement to us in the enclosed self-addressed envelope. Thank you.**

Attachments

K:\WP\_DOCS\PLANNING\A\2010\10-787\_MauiR&TPartners,LLC\LUCtransmittalPositionStatement.doc

2013 JUN 17 A 11:56  
LAND USE COMMISSION  
STATE OF HAWAII

DEPARTMENT OF PLANNING  
 COUNTY OF MAUI  
 One Main Plaza  
 2200 Main Street, Suite 315  
 Wailuku, Hawaii 96793  
 Telephone: (808) 270-7735  
 Facsimile: (808) 270-7634

2013 JUN 17 A 11:57  
 LAND USE COMMISSION  
 STATE OF HAWAII

BEFORE THE LAND USE COMMISSION  
 OF THE STATE OF HAWAII

In the Matter of the Petition of:	)	Docket No. A10-787
	)	
MAUI R&T PARTNERS, LLC	)	POSITION STATEMENT OF THE
	)	DEPARTMENT OF PLANNING, COUNTY
	)	OF MAUI; CERTIFICATE OF SERVICE
To Amend the Land Use District Boundary	)	
of certain lands situated at Kihei, Island of	)	
Maui, State of Hawaii, consisting of 253.05	)	
Acres from the Agricultural District to the	)	
Urban District, Tax Map Key Nos.	)	
(2) 2-2:024:016 and 017, and	)	
(2) 2-2-002:084 (por.)	)	

**POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI**

In accordance with §15-15-55 of the State Land Use Commission Rules, the Department of Planning, County of Maui, (hereinafter referred to as "Department") supports, subject to conditions, the State Land Use District Boundary Amendment filed by Maui R&T Partners, LLC (hereinafter referred to as the "Petitioner") to reclassify approximately 253.05 acres at Maui Tax Map Key Nos. (2) 2-2:024:016 and 017, and (2) 2-2-002:084 (por.) (hereinafter referred to as the "Petition Area") from the Agricultural Land Use District to the Urban Land Use District at Kihei, Island of Maui, Hawaii.

**Petitioner's Proposed Use of the Property**

The Petitioner is proposing to reclassify approximately 253.05 acres from the Agricultural Land Use District to the Urban Land Use District in order to transform the existing Maui Research and Technology Park located on 150.032 acres of land reclassified by the Land Use Commission ("LUC") in LUC Docket No. A84-585 into a multi-use project consisting of a total of 403.082 acres (150.032 acres under Docket No. A84-585 and 253.05 acres under Docket No. A10-787). The ultimate goal of the Petitioner is to create a sustainable and walkable Kihei community where people can live, work, and play.

The property is located in the Kihei-Makena Community Plan Area at Lipoa Parkway, mauka of the Piilani Highway in Kihei, Maui, Hawaii.

## Background Information

A Finding of No Significant Impact (FONSI) regarding the Final Environmental Impact Statement required for the County Community Plan Amendment and potential use of State and County lands was issued by the State Land Use Commission on April 4, 2013.

## Land Use

The Petition Area is zoned Agricultural by the County and designated PD-6 Project District 6, Public/Quasi-Public, and Agriculture in the Kihei-Makena Community Plan. As such, the proposed mixed-use is inconsistent with the land use designation in the Community Plan and with County Zoning. Consequently, the Applicant submitted to the County of Maui applications for the Community Plan Amendment (CPA) and Change in Zoning (CIZ) on June 15, 2012. The CIZ and CPA applications are being held in abeyance by the County until such time as the LUC renders its decision on the District Boundary Amendment Petition. The Department is aware that the Applicant has submitted a Petition for a District Boundary Amendment (DBA) to the LUC now that the Final EIS/FONSI had been issued by the LUC. In reviewing this project, the Department has consistently supported the application and anticipates continuing to do so as the application progresses through both the LUC and County of Maui. The Community Plan designation and County Zoning are requested to be changed to a new category "Maui Research and Technology Park District". The recent passage of the Maui Island Plan by the Maui County Council specifically designated the Petition Area within the planned growth area, and the subject property was placed within the Urban Growth Boundary.

Consequently, the Department recommends that the LUC move forward with its review of the DBA Petition as submitted by the Petitioner in an expeditious manner as the proposed land use changes are consistent with the newly adopted Maui Island Plan.

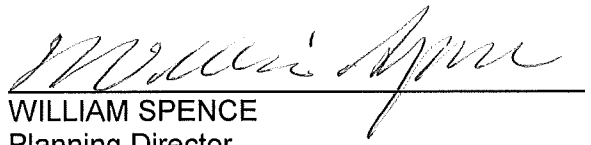
## County and Community Concerns

The public hearing process for review of the Environmental Impact Statement has provided an initial forum for reviewing and addressing County and Community concerns. Issues of significance were brought forth that were addressed in the Final EIS, most notably traffic impacts of the proposed project.

## Recommendation

Based on our review of the information provided in the Petition, the Department of Planning finds that the proposed reclassification to the State Land Use Urban District is consistent with the standards for determining Urban District boundaries as set forth in the LUC's Rules. The reclassification would also conform to the Maui Island Plan, which was adopted by the Maui County Council by Ordinance No. 4004, effective as of December 28, 2012. The Planning Department supports Maui R & T Partners, LLC's Petition for a District Boundary Amendment to provide their requested Urban District designation. This position statement offers general comments and may not address all concerns the County's Department of Planning may have. The analysis and recommendation of the Department of Planning for this project will be reflected in the testimony of the Department of Planning before the State Land Use Commission.

DATED: Wailuku, Hawaii, ce/14, 2013.

A handwritten signature in cursive script, appearing to read "William Spence", written over a horizontal line.

WILLIAM SPENCE  
Planning Director  
Department of Planning

**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of the Petition of:	)	Docket No. A10-787
	)	
MAUI R&T PARTNERS, LLC	)	CERTIFICATE OF SERVICE
	)	
	)	
To Amend the Land Use District Boundary	)	
of certain lands situated at Kihei, Island of	)	
Maui, State of Hawaii, consisting of 253.05	)	
Acres from the Agricultural District to the	)	
Urban District, Tax Map Key Nos.	)	
(2) 2-2:024: 016 and 017, and	)	
<u>(2) 2-2-002:084 (por.)</u>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

JESSE K. SOUKI Director Office of Planning 235 Beretania Street, 6 <sup>th</sup> Floor Honolulu, Hawaii 96813	Mail
---	------

BRYAN C. YEE, ESQ. Deputy Attorney General Commerce and Economic Development Department of the Attorney General 425 Queen Street Honolulu, Hawaii 96813	Mail
--	------

BENJAMIN M. MATSUBARA CURTIS T. TABATA WYETH M. MATSUBARA MATSUBARA - KOTAKE 888 Mililani Street, 8 <sup>th</sup> Floor Honolulu, Hawaii 96813	Mail
---	------

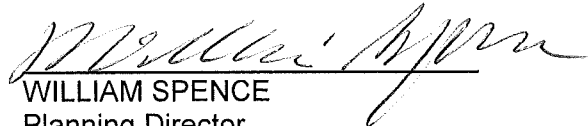
Attorneys for Petitioner

JAMES A. GIROUX Deputy Corporation Counsel Department of the Corporation Counsel County of Maui 200 South High Street Wailuku, Hawaii 96793	Hand delivery
--	---------------

PLANNING COMMISSION  
County of Maui  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Hand Delivery

DATED: Wailuku, Hawaii, 6/14, 2013.



WILLIAM SPENCE  
Planning Director  
Department of Planning

K:\WP\_DOCS\PLANNING\2010\10-787\_MauiR&TPartners,LLC\ApprovedPositionStatement&CertService.doc